

REMARKS

Applicant is in receipt of the Office Action mailed May 5, 2004. Applicant has amended various of the claims and submits new claims to more fully and completely claim Applicant's invention. Reconsideration of the present case is earnestly requested in light of the following remarks.

§102 Rejections

Claims 1-7 and 9-36 were rejected under 35 U.S.C. 102(e) as being anticipated by Leask et al. (U.S. Pat. No. 6,412,106 B1, hereinafter "Leask"). Applicant has amended various of the independent claims to more fully and completely claim Applicant's invention. Claim 1 has been amended to include the subject matter of claim 12, and claim 12 has been cancelled. Applicant respectfully submits that claims 1-11 and 13-36, as amended, are allowable based on the following reasoning.

As the Examiner is certainly aware, anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim. *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 221 USPQ 481, 485 (Fed. Cir. 1984). The identical invention must be shown in as complete detail as is contained in the claims. *Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully submits that Leask does not teach or suggest a debugging graphical program which comprises a plurality of interconnected graphical program nodes or icons that graphically represents functionality of the debugging graphical program. Furthermore, Leask does not teach executing a first graphical program and a debugging graphical program where the debugging graphical program aids in debugging at least a portion of the first graphical program.

Instead, Leask teaches and discloses using functions of a debugging environment such as break points (Leask col. 12, lines 47-57). Least further teaches and discloses, "User breakpoints' are inserted by a developer within a particular location of the

application program. For example, a user breakpoint may be inserted within a graphical representation of the application program at a particular graphical icon. An example of such a user breakpoint is shown in FIG. 5, wherein the breakpoint is indicated graphically by breakpoint indicator 420, which is inserted at graphical icon 320” (Leask col. 13, lines 23-29) (*emphasis added*). Thus, Applicant respectfully submits that breakpoints, as described by Leask, are not graphical programs as currently recited in Applicant’s claim 1. Furthermore, Applicant respectfully submits that break points, as described by Leask, do not teach or suggest graphical programs as currently recited in Applicant’s claim 1. Moreover, any other functionality of the debugging environment, as described by Leask, does not teach or suggest use of graphical programs to aid in debugging other graphical programs as currently recited in Applicant’s claim 1.

In contrast to Leask, Applicant’s invention as currently recited in claim 1 includes:

1. (Currently Amended) A computer-implemented method for creating a graphical program, the method comprising:

creating a first graphical program, wherein said creating comprises interconnecting at least two of a first plurality of graphical program nodes or icons, wherein the first graphical program comprises the first plurality of interconnected graphical program nodes or icons which graphically represents functionality of the first graphical program, and wherein the first graphical program is executable by a computer system to perform the functionality; [[and]]

storing the first graphical program in a memory; and

associating a debugging graphical program at a debugging location in the first graphical program, wherein said associating does not modify the functionality of the first graphical program, wherein the debugging graphical program comprises a second plurality of interconnected graphical program nodes or icons that graphically represents functionality of the debugging graphical program, and wherein the debugging graphical program is executable by the computer system to perform the functionality;

wherein the debugging graphical program is executable during execution of the first graphical program to aid in debugging at least a portion of the first graphical program.

Leask nowhere teaches or suggests these features.

Independent claims 23, 27, 31, and 35 include limitations similar to claim 1, and so the arguments presented above apply with equal force to these claims, as well. Applicant respectfully submits that for at least the reasons presented above, independent claims 23, 27, 31, and 35, and those claims respectively dependent thereon are patentably distinguished over Leask and are allowable.

Applicant respectfully requests removal of the §102 rejections.

§103 Rejection

Claim 8 was rejected under 35 U.S.C. 103(a) as being unpatentable over Leask in view of McKee et al. (U.S. Pat. No. 5,915,114, hereinafter “McKee”). This rejection is respectfully traversed.

Applicant respectfully submits that Leask provides no motivation to combine with the teaching of McKee, and McKee provides no motivation to combine with the teaching of Leask. Furthermore, it is nonobvious to combine Leask with McKee.

The Office Action cites dependent claim 8 as being rejected under 35 U.S.C. 103. Independent claim 1 has been amended to overcome rejections under 35 U.S.C. 102. Applicant respectfully submits that claim 1, as amended, is nonobvious and is allowable, as well. Applicant respectfully submits: “If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)” as stated in the MPEP §2143.03. Applicant respectfully submits that, at least for one or more reasons presented, claims 1-26 are allowable.

Independent claims 23, 27, 31, and 35 include limitations similar to claim 1, and so the arguments presented above apply with equal force to these claims, as well. Independent claims 23, 27, 31, and 35 have been amended to overcome rejections under 35 U.S.C. 102. Applicant respectfully submits that Independent claims 23, 27, 31, and 35, as amended, are nonobvious and are allowable, as well. Applicant respectfully submits that for at least the reasons presented above, independent claims 23, 27, 31, and 35, and those claims respectively dependent thereon are allowable.

Applicant also respectfully submits that numerous ones of the dependent claims recited further distinctions over the cited art. However, since the independent claims have been shown to be patentably distinct, a further discussion of the dependent claims is not necessary at this time.

Applicant respectfully requests removal of the §103 rejection.

CONCLUSION

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any extensions of time (under 37 C.F.R. § 1.136) are necessary to prevent the above referenced application(s) from becoming abandoned, Applicant(s) hereby petition for such extensions. If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 50-1505/5150-59901/JCH.

Also enclosed herewith are the following items:

☒ Return Receipt Postcard

Respectfully submitted,



Mark S. Williams
Reg. No. 50,658
AGENT FOR APPLICANT(S)

Meyertons, Hood, Kivlin, Kowert & Goetzel PC
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8800
Date: 8-5-04 MSW/IMF